

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TRUSTEES OF THE IBEW/NECA SOUND
AND COMMUNICATIONS HEALTH AND
WELFARE TRUST, IBEW NINTH
DISTRICT PENSION TRUST, NORTHERN
CALIFORNIA JOINT APPRENTICESHIP
AND TRAINING TRUST, NORTHERN
CALIFORNIA LABOR MANAGEMENT
COOPERATION TRUST, and THE
NATIONAL ELECTRICAL BENEFIT
TRUST; and DOUG LUNG AND GERALD
PFEIFFER, TRUSTEES OF THE
IBEW/NECA SOUND AND
COMMUNICATIONS HEALTH AND
WELFARE TRUST,

Plaintiffs,

v.

NETVERSANT SOLUTIONS II LP, a
Delaware partnership doing business in
California,

Defendant.

Case No. C-14-00611-RMW

**ORDER RE PLAINTIFFS' MOTION
FOR DEFAULT JUDGMENT**

On December 12, 2014 the court held a hearing in this case on plaintiffs' motion for default judgment. Upon review of relevant civil enforcement statute, 29 U.S.C. § 1132(g)(2), it appears that plaintiffs may not receive liquidated damages in excess of 20 percent of the amount of *unpaid*

1 contributions. *See* 29 U.S.C. § 1132(g)(2)(C)(ii) (a court shall award “liquidated damages provided
2 for under the plan in an amount not in excess of 20 percent . . . of the amount [of unpaid
3 contributions under § 1132(g)(2)(A)].”).

4 The court understands plaintiff’s requested liquidated damages to be equal to 10 percent of
5 all contributions which were paid late, rather than those which are currently unpaid. Accordingly,
6 the court requests that plaintiffs file within 10 days of this order a brief outlining the basis for their
7 requested liquidated damages award and explaining how plaintiffs’ request can be squared with the
8 language of 29 U.S.C. § 1132(g)(2)(C)(ii).

9
10 Dated: December 12, 2014


RONALD M. WHYTE
United States District Judge

United States District Court
For the Northern District of California